

United States District Court
Eastern District of North Carolina
Western Division

Case No. 5:21-CT-3266

(To be filled out by Clerk's Office only)

FILED

SEP 01 2021

PETER A. MOORE, JR., CLERK
US DISTRICT COURT, EDNC
BY [Signature] DEP CLK

Stephanie Dianna Elliott

Inmate Number 5054126

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

COMPLAINT

(Pro Se Prisoner)

AUSA Tobi Lathan
DOJ Eastern District of NC

Jury Demand?

☐ Yes

☒ No

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Section IV. Do not include addresses here.)

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

I. COMPLAINT

Indicate below the federal legal basis for your claim, if known. This form is designed primarily for pro se prisoners challenging the constitutionality of their conditions of confinement, claims which are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

- ☒ 42 U.S.C. § 1983 (state, county, or municipal defendants)
- ☐ Action under *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971) (federal defendants)
- ☐ Action under Federal Tort Claims Act (United States is the proper defendant; must have presented claim in writing to the appropriate Federal agency and received a notice of final denial of the claim pursuant to 28 U.S.C. § 2401(b))

II. PLAINTIFF INFORMATION

Stephanie Dianna Elliott
Name

5054126 Sampson
Prisoner ID #

Sampson Detention Center
Place of Detention

112 Fontana Street
Institutional Address

Clinton NC 28328
City State Zip Code

III. PRISONER STATUS

Indicate whether you are a prisoner or other confined person as follows:

- ☒ Pretrial detainee ☐ State ☒ Federal
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☐ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner

IV. DEFENDANT(S) INFORMATION

Please list the following information for each defendant. If the correct information is not provided, it could result in the delay or prevention of service. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant 1: AUSA Tobi Lathan
Name
ASSistant US Attorney
Current Job Title
150 Fayetteville Street #2100
Current Work Address
Raleigh NC 27601
City State Zip Code
Capacity in which being sued: ☒ Individual ☐ Official ☐ Both

Defendant 2: Department of Justice Eastern District
Name
150 Fayetteville Street #2100
Current Job Title
Agency
Current Work Address
Raleigh NC 27601
City State Zip Code
Capacity in which being sued: ☐ Individual ☒ Official ☐ Both

Defendant(s) Continued

Defendant 3:

Name

Current Job Title

Current Work Address

City

State

Zip Code

Capacity in which being sued: ☐ Individual ☐ Official ☐ Both

Defendant 4:

Name

Current Job Title

Current Work Address

City

State

Zip Code

Capacity in which being sued: ☐ Individual ☐ Official ☐ Both

V. STATEMENT OF CLAIM

Place(s) of occurrence: 310 Newbern Ave 'Courtthouse'

Date(s) of occurrence: APRIL 13th 2021

State which of your federal constitutional or federal statutory rights have been violated:

Admendment VIII

Admend ment V

State here briefly the FACTS that support your case. Describe how each defendant was personally involved in the alleged wrongful actions, state whether you were physically injured as a result of those actions, and if so, state your injury and what medical attention was provided to you.

FACTS:

Who
did what to
you?

On April 13th 2021 USA Tobi Lathan
Presented false allegations against me in
an 31 count Indictment. The USA Attorney
Lathan made threats to me prior to
moving to indict me because I was.

advised By my paid Attorney not to take
his deal. in pre-indictment Plea that
he offered. He moved to UnConstitutionally
detention by abuse of power and his
personal feelings. Once I was detained

my public defender attorney advised me
that USA Lathan told him the time
I was facing under the guideline
was not enough time for "Him" He
has taken my case personally and vindictively
detaining me in Jail for 5 months for
for a non-violent white collar crime.

What
happened
to you?

I was detained in Jail due to his
Statements. I am being ~~advised~~
exposed to covid-19. I have not
been able to take care of my son,
being housed in very bad Jail's 3 so far
that are not giving me my medication
or medical care for my legs.
I feel Race Played a huge part in
me being detained.

When did it
happen to
you?

On April 13th 2021 @ 10am
310 Newbern Ave Raleigh NC 27601

Where did it
happen to
you?

Federal Court house 310 Newbern Ave

What was
your
injury?

I have been mentally harmed being
detained in Jail. My Right leg
has poor Vein Circulation I was due
for Surgery April 9th 2021 I am
exposed to covid19 and other
things being house with drug addicts,
murders and my Health is failing.
I have lost my car and not able
to send my son to Duke to get
his heart taken care of.

VI. ADMINISTRATIVE PROCEDURES

WARNING: Prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions. 42 U.S.C. § 1997e(a). Your case may be dismissed if you have not exhausted your administrative remedies.

Have you filed a grievance concerning the facts relating to this complaint? ☐ Yes ☒ ~~NO~~

If no, explain why not:

Is the grievance process completed? ☐ Yes ☐ No

If no, explain why not:

VII. RELIEF

State briefly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I would like AUSA Lathan Removed
from my case and/or \$20,000 in damages

VIII. PRISONER'S LITIGATION HISTORY

The “three strikes rule” bars a prisoner from bringing a civil action or an appeal in forma pauperis in federal court if that prisoner has “on three or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. §1915(g).

Have you brought any other lawsuits in state or federal court while a prisoner? ☐ Yes ☒ No

If yes, how many? _____

Number each different lawsuit below and include the following:

- Name of case (including defendants' names), court, and docket number
- Nature of claim made
- How did it end? (For example, if it was dismissed, appealed, or is still pending, explain below.)

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

IX. PLAINTIFF'S DECLARATION AND WARNING

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint and provide prison identification number and prison address.

8/1/2021
Dated

Stephanie Elliott
Plaintiff's Signature

Stephanie Dianna Elliott
Printed Name

505 4126
Prison Identification #

112 Fontana St. Clinton NC 28328
Prison Address City State Zip Code